

§ 164.02

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used solely for restricted service, such as making up or breaking up larger tows;

(2) Used solely for assistance towing as defined by 46 CFR 10.103;

(3) Used solely for pollution response; or

(4) Any other vessel exempted by the Captain of the Port (COTP). The COTP, upon written request, may, in writing, exempt a vessel from §164.72 for a specified route if he or she decides that exempting it would not allow its unsafe navigation under anticipated conditions.

(c) Provisions of §§164.11(a)(2) and (c), 164.30, 164.33, and 164.46 do not apply to warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency regulations regarding navigation safety.

(d) Provisions of §164.46 apply to some self-propelled vessels of less than 1600 gross tonnage.

[CGD 83-004, 49 FR 43466, Oct. 29, 1984, as amended by CGD 94-020, 61 FR 35072, July 3, 1996; USCG-2000-8300, 66 FR 21864, May 2, 2001; USCG-2003-14757, 68 FR 39367, July 1, 2003]

§ 164.02 Applicability exception for foreign vessels.

(a) Except as provided in §164.46(a)(2) of this part, including §§164.38 and 164.39, this part does not apply to vessels that:

(1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2) Are in:

(i) Innocent passage through the territorial sea of the United States; or

(ii) Transit through navigable waters of the United States which form a part of an international strait.

[CGD 77-063, 44 FR 66530, Nov. 19, 1979, as amended by CGD 79-148, 45 FR 54039, Aug. 14, 1980; USCG-2003-14757, 68 FR 39367, July 1, 2003; 68 FR 60569, Oct. 22, 2003]

§ 164.03 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition

other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the Navigation Systems Division (CG-5413), Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this part and the sections affected are as follows:

<i>American Petroleum Institute (API)</i> , 1220 L Street NW., Washington, DC 20005	
API Specification 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984	164.74
<i>American Society for Testing and Materials (ASTM)</i> , 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959	
ASTM D4268-93, Standard Test Method for Testing Fiber Ropes	164.74
<i>Cordage Institute</i> , 350 Lincoln Street, Hingham, MA 02043	
CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980	164.74
<i>International Electrotechnical Commission (IEC)</i> , 3, rue de Varemb, Geneva, Switzerland.	
IEC 61993-2, Maritime navigation and radiocommunication equipment and systems—Automatic identification systems (AIS)—part 2: Class A shipborne equipment of the universal automatic identification system (AIS)—Operational and performance requirements, methods of test and required test results First edition, 2001-12	164.46
<i>International Maritime Organization (IMO)</i> , 4 Albert Embankment, London SE1 7SR, U.K.	
IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, adopted November 12, 1975	164.13

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Resolution MSC.74(69), Annex 3, Recommendation on Performance Standards for a Universal Shipborne Automatic Identification System (AIS), adopted May 12, 1998	164.46	(4) RTCM Paper 191-93/SC112-X, RTCM Recommended Standards for Maritime Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, Version 1.2, December 20, 1993	164.72
SN/Circ.227, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), dated January 6, 2003	164.46	[CGD 91-203, 58 FR 27632, May 10, 1993, as amended by CGD 83-043, 60 FR 24771, May 10, 1995; CGD 93-022, 60 FR 51734, Oct. 3, 1995; CGD 96-026, 61 FR 33669, June 28, 1996; CGD 94-020, 61 FR 35072, July 3, 1996; USCG-1999-5151, 64 FR 67176, Dec. 1, 1999; USCG-2002-12471, 67 FR 41333, June 18, 2002; USCG-2003-14757, 68 FR 39367, July 1, 2003; 68 FR 60569, Oct. 22, 2003; 69 FR 18803, Apr. 9, 2004; USCG-2004-18057, 69 FR 34926, June 23, 2004; USCG-2008-0179, 73 FR 35016, June 19, 2008]	
SOLAS, International Convention for Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amendments, effective January and July 2002, (SOLAS 2000 Amendments)	164.46	§ 164.11 Navigation under way: General.	
Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, and amendments to Chapter V of SOLAS 1974, adopted December 12, 2002	164.46	The owner, master, or person in charge of each vessel underway shall ensure that:	
<i>International Telecommunication Union Radiocommunication Bureau (ITU-R)</i> , Place de Nations CH-1211 Geneva 20 Switzerland		(a) The wheelhouse is constantly manned by persons who:	
(1) ITU-R Recommendation M.821, Optional Expansion of the Digital Selective-Calling System for Use in the Maritime Mobile Service, 1992	164.43	(1) Direct and control the movement of the vessel; and	
(2) ITU-R Recommendation M.825, Characteristics of a Transponder System Using Digital Selective-Calling Techniques for Use with Vessel Traffic Services and Ship-to-Ship Identification, 1992	164.43	(2) Fix the vessel's position;	
ITU-R Recommendation M.1371-1, Technical characteristics for a universal shipborne automatic identification system using time division multiple access in the VHF maritime mobile band, 1998-2001	164.46	(b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;	
<i>Radio Technical Commission for Maritime Services</i> , 655 Fifteenth Street, NW., Suite 300, Washington, DC 20005		(c) The position of the vessel at each fix is plotted on a chart of the area and the person directing the movement of the vessel is informed of the vessel's position;	
(1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977	164.41	(d) Electronic and other navigational equipment, external fixed aids to navigation, geographic reference points, and hydrographic contours are used when fixing the vessel's position;	
(2) RTCM Paper 194-93/SC104-STD, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1, 1994	164.43	(e) Buoys alone are not used to fix the vessel's position;	
(3) RTCM Paper 71-95/SC112-STD, RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, Version 1.1, October 10, 1995	164.72	NOTE: Buoys are aids to navigation placed in approximate positions to alert the mariner to hazards to navigation or to indicate the orientation of a channel. Buoys may not maintain an exact position because strong or varying currents, heavy seas, ice, and collisions with vessels can move or sink them or set them adrift. Although buoys may corroborate a position fixed by other means, buoys cannot be used to fix a position: however, if no other aids are available, buoys alone may be used to establish an estimated position.	
		(f) The danger of each closing visual or each closing radar contact is evaluated and the person directing the movement of the vessel knows the evaluation;	